IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

-

WRIT PETITION NO : 17240 of 2005

Between:

Managing Committee of the Bureau of Economics & Statistics Employees,
Cooperative Housing Society, Ltd.,
Reg.No.TAB 156 Sri Krishna Krupa, Jawaharlal Nehru Road, Abids, Hyderabad-500 001.
Rep. by its President.

..... PETITIONER

AND

1. The Commissioner of Cooperation & Registrar of Cooperative

Societies, A.P Gruhakalpa Buildings Nampally
Hyderabad-1.
2. The Joint Registrar/District Cooperative Societies Hyderabad

(Urban) District, Hyderabad-1
3. The Deputy/Registrar/Divisional Cooperative Officer

Secunderabad Division APHB, Nampally Hyderabad-1
4. Sri K. Srihari S/o. not known to ptr.,
Secunderabd Division APHB, Nampally, Hyderabad
Presently Audit Officer APSFC, Masab Tank, Hyderabad.

.....RESPONDENTS

ORAL ORDER:

This Writ Petition is directed against the order of the first respondent, dated 15.07.2005, directing an enquiry under Section 51 of the A.P. Cooperative Societies Act, 1964 into the affairs and working of the Bureau of Economics and Statistics Employees Cooperative Housing Society Limited and authorizing the District Cooperative Officer, Hyderabad to conduct the statutory enquiry into the allegations and contents of the representations, dated 17.07.2004 and 22-07-2004 and other complaints made by the members and residents of the colony and others, as to the mismanagement and mis-utilisation of the funds and assets of the society.

The singular contention of the petitioner is that, *inter alia*, the allegations on the basis of which the enquiry has been ordered, pertain to alienation of certain land in favour of V.V. Consumer Mutually Aided Cooperative Stores Limited and that in this behalf the lease executed by the management in favour of V.V. Consumer Mutually Aided Cooperative Stores Limited was cancelled by the first respondent earlier, against which the petitioner has filed a Writ Petition No.23960 of 2004 in this Court, and by the order, dated 22.12.2004, this Court has suspended the proceeding of the first respondent cancelling the lease.

Sri D.V.Bhadram, learned counsel for the petitioner contends that as this Court is seized of the lis regarding the validity of the first respondent's order cancelling the

lease, the first respondent was disabled from exercising the power under Section 51 of the Act to order an enquiry into the affairs of the petitioner's society. This contention is misconceived. Whether the lease entered into between the petitioner and V.V. Consumer Mutually Aided Cooperative Stores Limited is valid, is an issue that does not have any bearing upon the exercise of jurisdiction under Section 51 of the Act, by the first respondent. To order an enquiry, is an available i.e. under Section 51 of the Act and that jurisdiction has not suffered any eclipse on account of any legal instrument nor any order of this Court.

On the analysis above, there are no merits. Accordingly, the writ petition is dismissed at the admission stage.

_____

05-08-2005

kvrm